Office-Supreme Court, U.S.
FILED
MAR 17 1983
ALEXANDER L. STEVAS,
CLERK

NO. 82-862

IN THE SUPREME COURT OF THE UNITED STATES

CONSOLIDATED RAIL CORPORATION, :
Petitioner :
:
VS. :
:
THOMAS LESTRANGE, :
Respondent

MOTION FOR SUBSTITUTION OF PARTIES
SUGGESTING DEATH OF THE RESPONDENT

1. On September 22, 1982, the respondent, Thomas LeStrange, died.

2. The death of the Respondent occurred after the decision of the Third Circuit was rendered. This decision was rendered on September 1, 1982. (See Exhibit A)

3. On March 14, 1983 , an estate was raised on behalf of Thomas LeStrange. The administratrix of said estate is Lee Ann LeStrange Darrone, who was the decedent's daughter. This estate was raised in Lackawanna County at 237 No. and 1983 Term.

4. The death of the Respondent does not cause the instant employment discrimination action to become moot. In addition to reinstatement, the respondent sought back pay as an engineer from 1973 to September 22, 1982. Further, the reinstatement would have made the respondent eligible for medical insurance which would have paid the costs of his last illness.

5. Respondent's testimony in this matter was preserved since he was deposed prior to his death. All other evidentiary issues in the case may be addressed through the testimony of other witnesses.

6. Counsel for the Respondent has conferred with the Clerk of the District Court for the Middle District of Pennsylvania and the Clerk for the Third Circuit Court of Appeals. Both of these offices have indicated that the Supreme Court of the United States now has jurisdiction over these matters, since it has granted the Petition for Writ of Certiorari.

WHEREFORE, Respondent now prays that This Honorable Court substitute "Lee Ann LeStrange Darrone, as Administratrix of the Estate of Thomas LeStrange", for Thomas LeStrange, now deceased, in this case.

LENAHAN & DEMPSEY

JOSEPH P. LENAHAN, ESQ.

CERTIFICATE OF SERVICE

Joseph P. Lenahan, Esq., hereby certifies that he served a true and correct copy of the foregoing Motion for Substitution of Parties suggesting Death of the Respondent upon Harry A. Rissetto, Esq., 1800 M Street, NW, Suite 800 North, Washington, DC 20036 by sending same First Class, U. S. regular Mail on March 14, 1983.

LENAHAN & DEMPSEY

JOSEPH P. LENAHAN, ESQ.

REGISTER OF WILLS OF LACKAWANNA COUNTY

Form R/W 9-6-80 5M

SHORT CERTIFICATE – LETTERS OF ADMINISTRATION

Commonwealth of Pennsylvania } ss:
Lackawanna County

I, Samuel C. Cali, Register of Wills in and for the County of Lackawanna in the Commonwealth of Pennsylvania,

DO HEREBY CERTIFY that on the 14th day of March, 1983,

LETTERS OF ADMINISTRATION on the Estate of Thomas LeStrange

deceased, were granted to Iee Ann LeStrange Darrone

having first been qualified well and truly to administer the same. And I further certify that no revocation of said Letters appears of record in my office.

Date of Death Sept. 22, 1982

Social Security No. 182-16-4373

Estate No. 237-1983

Given under my hand and seal of office this 14th day of March, 1983

Samuel C. Cali

Register / Deputy Register

NOT VALID WITHOUT ORIGINAL SIGNATURE AND IMPRESSED SEAL

Exhibit A